Framework for Outdoor Dining Regulations

Pinole City Council

March 21, 2023

Agenda

- Overview of Current Regulations
- Review of Temporary Regulations During COVID
- Planning Commission Recommendations
- Summary and Next Steps

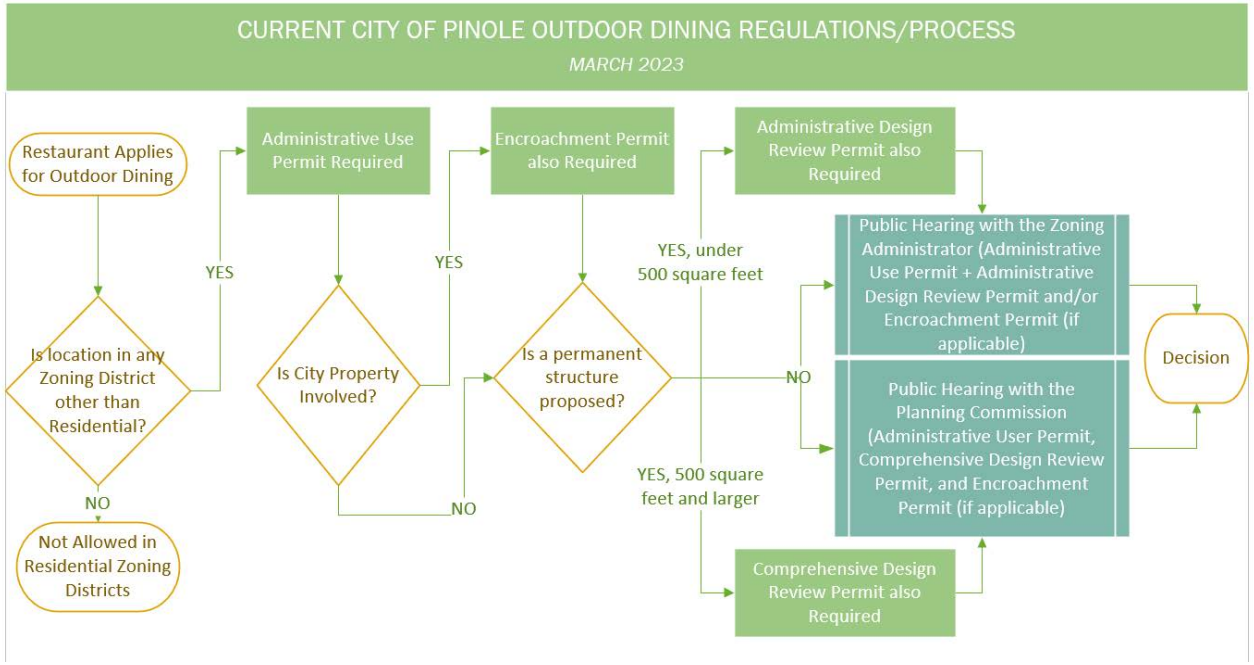
Outdoor Dining in a Community Can…

- Enliven the street
- Support economic development
- Help re-prioritize public space for human use

Existing Regulations

Performance Standards:

- There is a continuous path of travel of at least six feet in width.
- Pedestrian and accessibility access and views of traffic devices is not obstructed.
- Access to meters, fire hydrants, or other objects (street hardware) in the right-of-way.



Urgency Ordinance No. 2020-03

- **Purpose:** Streamlining and expediting temporary outdoor seating permits to support continued operation of businesses while also complying with health orders
- **Waive** code requirements, establish a TUP process

ORDINANCE NO. 2020-03
AN URGENCY ORDINANCE OF THE CITY OF PINOLE AUTHORIZING THE ZONING ADMINISTRATOR TO WAIVE REQUIREMENTS OF TITLE 17 OF THE PINOLE MUNICIPAL CODE TO FACILITATE BUSINESS OPERATIONS IMPACTED BY NOVEL CORONAVIRUS (COVID-19)

WHEREAS, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease named "coronavirus disease 2019" ("COVID-19"); and

WHEREAS, COVID-19 is easily transmissible from person to person, and community spread of the diseases has occurred throughout the United States and California, including in Contra Costa County; and

WHEREAS, on January 31, 2020, the Secretary of the United States Department of Health and Human Services declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of California proclaimed a state of emergency regarding COVID-19; and

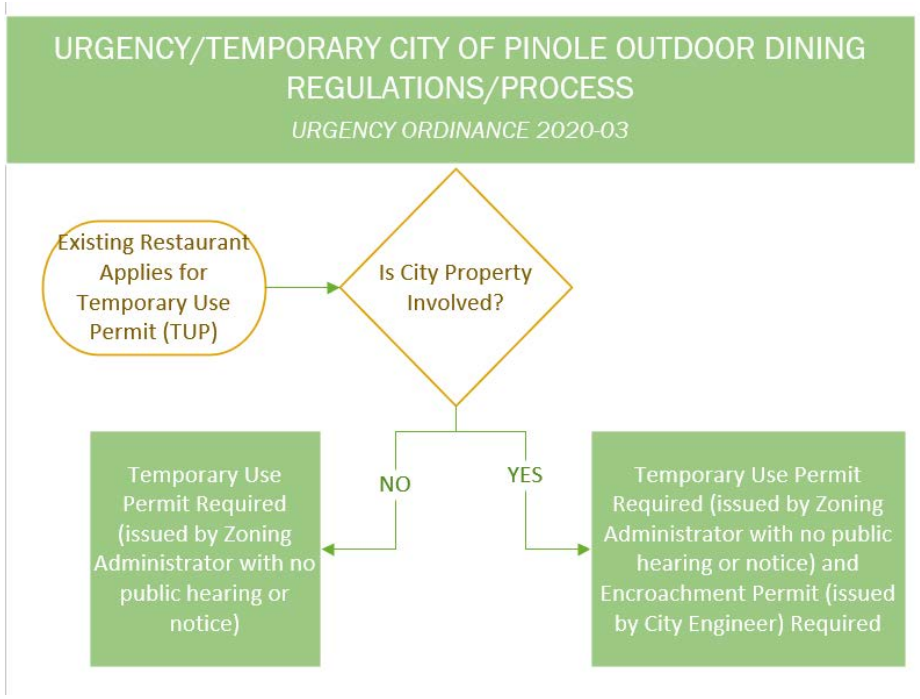
WHEREAS, on March 10, 2020, the Contra Costa County Board of Supervisors declared a local health emergency; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national state of emergency in response to the spread of COVID-19 within the United States of America; and

WHEREAS, in accordance with Government Code Section 8630 and Pinole Code Section 2.32.060, the Director of Emergency Services proclaimed the existence of a local emergency caused by the COVID-19 on March 18; and

WHEREAS, on March 24, the City Council ratified and confirmed the proclamation of the existence of a local emergency issued by the Director of Emergency Services; and

WHEREAS, on March 16, 2020, the Contra Costa County Health Officer, along with six other health officers within six Bay Area counties, took a unified step to slow the spread of COVID-19 and preserve critical health care capacity across the region by issuing a legal order directing their respective residents to shelter at home beginning March 17, 2020. The order in Contra Costa County limited activity, travel, and business functions to only the most essential needs. The guidance comes after substantial input from the CDC and best practices from other health officials around the world; and



Temporary Use Permits during COVID

Business Name	Street Address	Location	Covered/ Enclosed?	Active?
Pear Street Bistro	2395 San Pablo Avenue	Between Bank Building and existing restaurant	Covered and enclosed	Yes
East Bay Coffee Company	2529 San Pablo Avenue	Lot next door to East Bay Coffee Building	Covered	No, removed
Tina's Place	2300 San Pablo Avenue	Private parking lot	Covered and enclosed	Yes
Applebee's	1369 Fitzgerald Drive	Private parking lot	Not enclosed or covered	No, removed
Antlers	2284 San Pablo Avenue	Private parking lot	Enclosed	No, removed
Que Onda	1473 Fitzgerald Drive	Private parking lot	Covered	No, removed
Il Grand	812 San Pablo Avenue	In front portion of the building	Not enclosed or covered	No, removed
Mel's Diner	1441 Fitzgerald Drive	Private parking lot	Covered and enclosed	No, removed
Sue's Place	2265 Pear Street	Parklet in public right-of-way	Covered and Enclosed	Yes

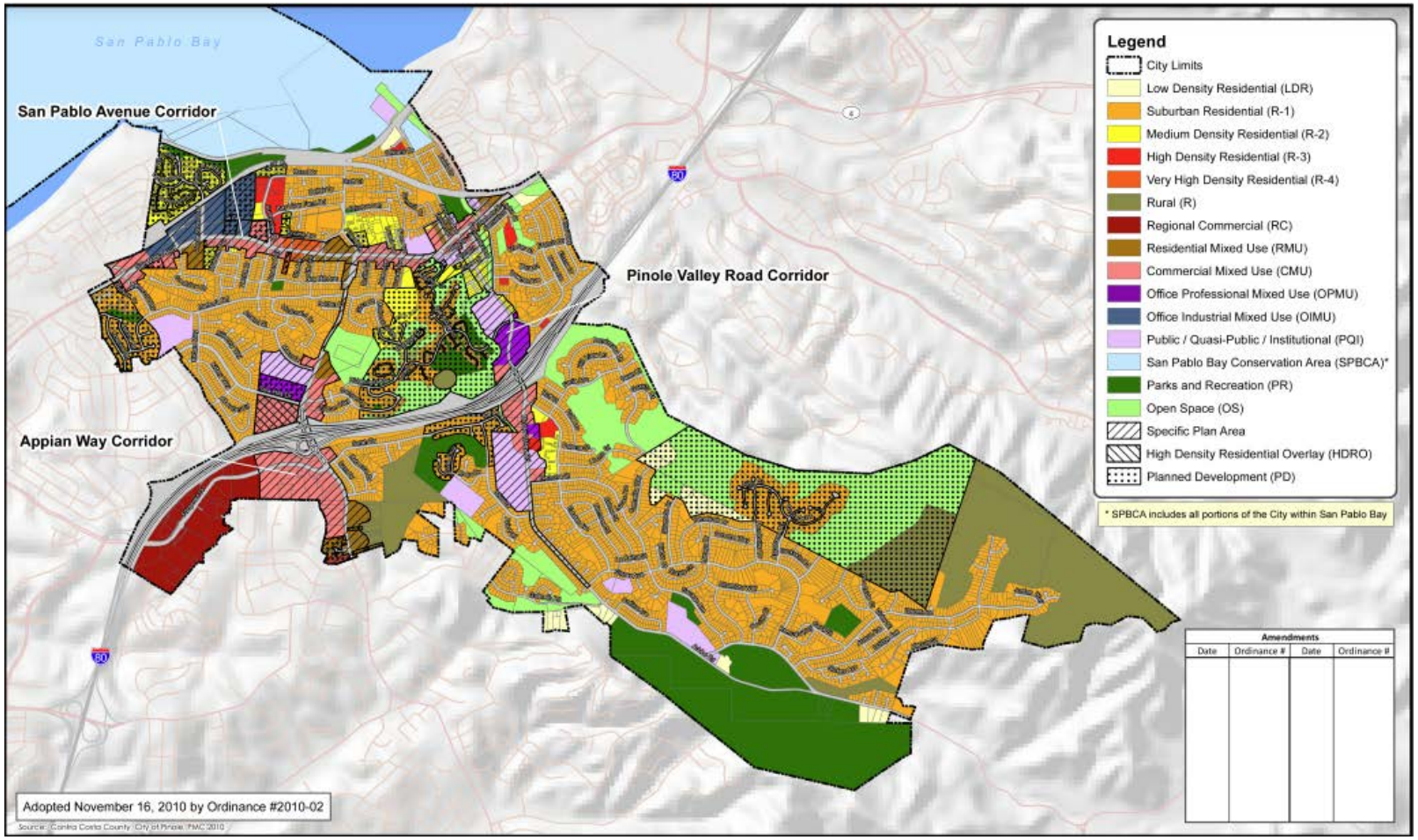
Framework Categories

- Define **categories** of outdoor dining (“sidewalk dining areas”, “parklets”, “outdoor dining areas”)
- Establish the **permitting process** for outdoor dining (opportunities for public input, annual renewal or inspections, one-time and annual fees, maintenance, and liability)
- Describe the **locations** and/or zoning districts where different categories of outdoor dining are allowed
- Establish **standards** for design & materials (size, landscaping, accessibility, circulation, lighting, safety, signage, heating, air circulation & outdoor furniture)
- Consider **encouraging** other elements (like public art and bicycle parking)
- Establish **standards** that address use of the area (i.e., hours, public access, and equity)
- Address **parking** requirements
- Address the **transition** from temporary outdoor dining areas to permanent dining areas

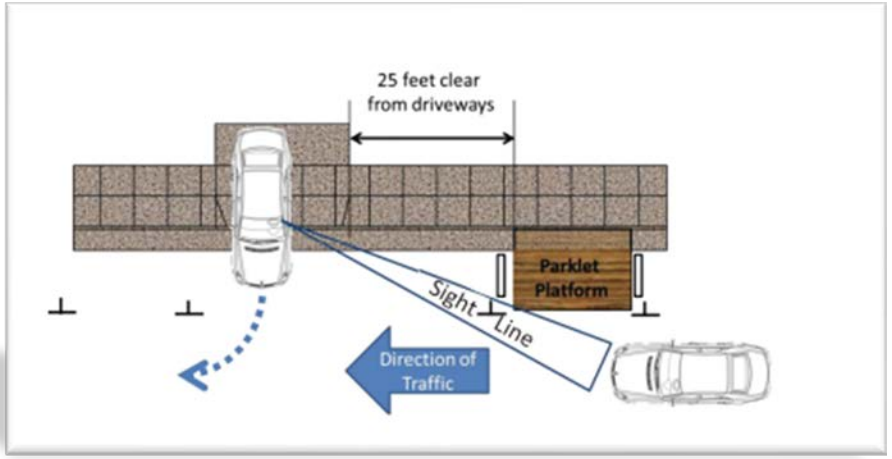
Planning Commission Recommendations: Permitting Process

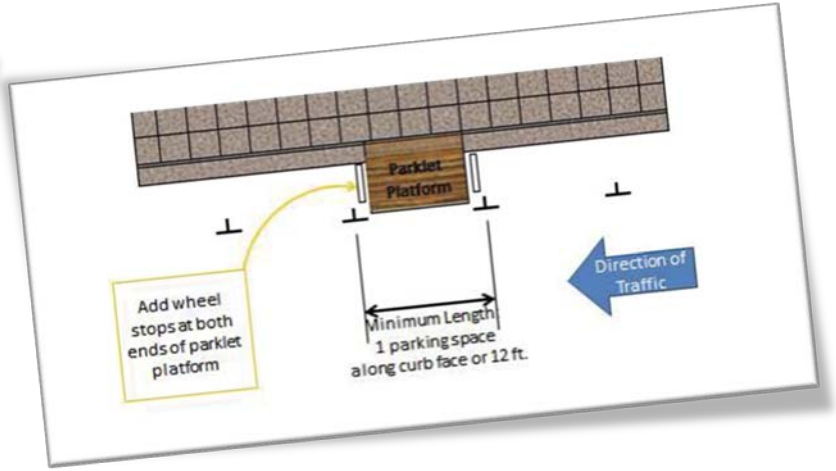
Subtopic		Planning Commission Recommendation	Staff Comment
Parklets or Public Property		Planning Commission review, with recommendation to City Council for a final decision.	The Municipal Code does not contemplate larger parklet or other structures in right-of-way or other public property. Additional standards should be considered for safety and aesthetics.
Sidewalk dining		Zoning Administrator hearing with Zoning Administrator providing final decision (appeal authority to the Planning Commission, City Council).	The Commission's recommendation is aligned with the existing Code process. Additional standards should be considered for safety and aesthetics.
All other private outdoor dining areas		Zoning Administrator hearing with Zoning Administrator providing final decision (appeal authority to the Planning Commission, City Council).	The Commission's recommendation is aligned with the existing Code process. Additional standards should be considered for safety and aesthetics.

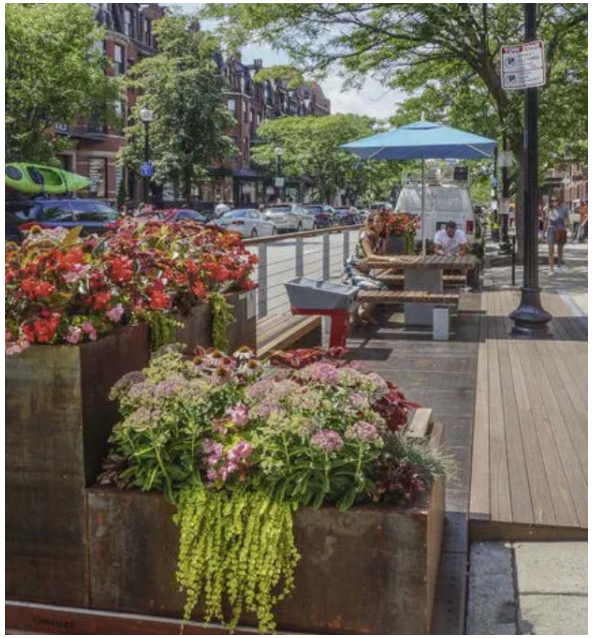
Planning Commission Recommendations: Locations/Zoning Districts



Planning Commission Recommendations: Aesthetic, Comfort and Safety Standards







Planning Commission Recommendations: Public Use of Area & Other Elements

Planning Commission Recommendations: Parking & Transition

Summary and Recommended Next Steps

Current Municipal Code has a process pathway for outdoor dining on sidewalks and private outdoor areas in Pinole.

- Standards related to aesthetics, safety, design and durability are lacking and could be revisited and refreshed.
- Not a clear process pathway for parklets, or permanent outdoor dining, on public property.

Should staff return with a specific proposal on modified outdoor dining regulations to support and encourage outdoor dining in the City, or not?

If yes, direct Staff to return with a specific proposal, which will incorporate best practices from other jurisdictions.

If no, give Staff direction on when to expire the TUPs and begin enforcing the removal of temporary outdoor dining structures.